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CUSTOMER NO: 61263

Date August 18, 2006 Attorney Docket No. 53951-144

Total Pages (Including Cover) 10

From Mark A. Catan

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**Fax Transmittal**

Sender's Room Number DC

Main Fax Number 202.416.6899

To: U.S. PATENT & TRADEMARK OFFICE

Fax No.: 571-273-8300

Message

**OFFICIAL COMMUNICATION**

RE: U.S. Application No. 10/544,124  
Filing Date: August 1, 2005  
First Named Inventor: Jeffrey H. Burbank  
Art Unit: Unassigned  
Examiner: Unassigned

**SUBMITTED PAPERS:**

-CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8 FORM PTO/SB/97 (1 page)

-TRANSMITTAL FORM PTO/SB/21 (1 page)

-FEE TRANSMITTAL FORM PTO/SB/17 (1 page)

-PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (1 page)

-EXECUTED DECLARATION AND POWER OF ATTORNEY (3 pages)

-NOTICE TO FILE MISSING PARTS (2 pages)

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PTO/SB/07 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031  
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on August 18, 2006  
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**IDENTIFIED SUBMITTED PAPERS RE: APPLN NO. 10/544,124:**

- TRANSMITTAL FORM PTO/SB/21 (1 page)
- FEE TRANSMITTAL FORM PTO/SB/17 (1 page)
- PETITION FOR EXTENSION OF TIME (1 page)
- EXECUTED DECLARATION AND POWER OF ATTORNEY (3 pages)
- NOTICE TO FILE MISSING PARTS (2 pages)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# TRANSMITTAL FORM

Application Serial Number	10/544,124
Filing Date	August 1, 2005
First Named Inventor	JEFFREY H. BURBANK
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket No.	53951-144
Patent No.	Not applicable
Issue Date	Not applicable

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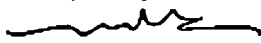
## ENCLOSURES (check all that apply)


<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input checked="" type="checkbox"/> Petition for Extension of Time (2 months) <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance	<input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate) <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input type="checkbox"/> Additional Enclosure(s) (please identify below)
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## SIGNATURE BLOCK

Respectfully submitted,  
  
 Date: August 18, 2006  
 Reg. No.: 38,720  
 Tel. No.: (202) 416-6800  
 Fax No.: (202) 416-6899  
 Mark A. Catan  
 Attorney for the Applicant(s)  
 Proskauer Rose LLP  
 1001 Pennsylvania Ave., N.W.  
 Suite 400  
 Washington, D.C. 20004

FEE TRANSMITTAL FY 2006					Complete if Known																																																																																											
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<input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 50-3840 <input checked="" type="checkbox"/> Required Fees (copy of this sheet enclsd). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.					<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>130</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td>\$65.00</td> </tr> <tr> <td>50</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>2,520</td> <td>2,520</td> <td>Request for ex parte re-examination</td> <td></td> </tr> <tr> <td>120</td> <td>60</td> <td>Extension for reply within 1<sup>st</sup> mo.</td> <td></td> </tr> <tr> <td>450</td> <td>225</td> <td>Extension for reply within 2<sup>nd</sup> mo.</td> <td>\$225.00</td> </tr> <tr> <td>1,020</td> <td>510</td> <td>Extension for reply within 3<sup>rd</sup> mo.</td> <td></td> </tr> <tr> <td>1,590</td> <td>795</td> <td>Extension for reply within 4<sup>th</sup> mo.</td> <td></td> </tr> <tr> <td>2,160</td> <td>1,080</td> <td>Extension for reply within 5<sup>th</sup> mo.</td> <td></td> </tr> <tr> <td>500</td> <td>250</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>500</td> <td>250</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1,000</td> <td>500</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>400</td> <td>0</td> <td>Petitions to the Director</td> <td></td> </tr> <tr> <td>180</td> <td>180</td> <td>Submission of IDS</td> <td></td> </tr> <tr> <td>790</td> <td>395</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>790</td> <td>395</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>100</td> <td>100</td> <td>Certificate of Correction for applicant's error</td> <td></td> </tr> <tr> <td>130</td> <td>65</td> <td>Submission of Terminal Disclaimer</td> <td></td> </tr> <tr> <td colspan="2"></td> <td>Other fee (Specify)</td> <td></td> </tr> <tr> <td colspan="2"></td> <td>Other fee (Specify)</td> <td></td> </tr> <tr> <td colspan="2"></td> <td><b>4. TOTAL:</b></td> <td><b>\$290.00</b></td> </tr> </tbody> </table>				Large Entity	Small Entity	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath	\$65.00	50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	Request for ex parte re-examination		120	60	Extension for reply within 1 <sup>st</sup> mo.		450	225	Extension for reply within 2 <sup>nd</sup> mo.	\$225.00	1,020	510	Extension for reply within 3 <sup>rd</sup> mo.		1,590	795	Extension for reply within 4 <sup>th</sup> mo.		2,160	1,080	Extension for reply within 5 <sup>th</sup> mo.		500	250	Notice of Appeal		500	250	Filing a brief in support of an appeal		1,000	500	Request for oral hearing		400	0	Petitions to the Director		180	180	Submission of IDS		790	395	Filing a submission after final rejection (37 CFR 1.129(a))		790	395	For each additional invention to be examined (37 CFR 1.129(b))		100	100	Certificate of Correction for applicant's error		130	65	Submission of Terminal Disclaimer				Other fee (Specify)				Other fee (Specify)				<b>4. TOTAL:</b>	<b>\$290.00</b>
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<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>																																																																																																
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If the specification and drawing exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).																																																																																																
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Patent Administrator Proskauer Rose LLP 1001 Pennsylvania Avenue, N.W., Suite 400 Washington, D.C. 20004 Tel. No.: (202) 416-6800 Fax No.: (202) 416-6899 CUSTOMER NO: 61263																																																																																																
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					Mark A. Catan Attorney for the Applicant(s) Proskauer Rose LLP 1001 Pennsylvania Ave., N.W., #400 Washington, D.C. 20004																																																																																											



UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/544,124	James M Brugger	53951-144

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/US04/00921

LA. FILING DATE	PRIORITY DATE
01/14/2004	01/15/2003

21890  
PROSKAUER ROSE LLP  
PATENT DEPARTMENT  
1585 BROADWAY  
NEW YORK, NY 10036-8299

CONFIRMATION NO. 6407

371 FORMALITIES LETTER



\*OC000000018454784\*

Date Mailed: 04/05/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 08/01/2005
- Copy of the International Search Report filed on 08/01/2005
- Copy of Annexes to the IPER filed on 08/01/2005
- Information Disclosure Statements filed on 08/01/2005
- Small Entity Statement filed on 08/01/2005
- U.S. Basic National Fees filed on 08/01/2005
- Power of Attorney filed on 11/14/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/544,124	PCT/US04/00921	53951-144

FORM PCT/DO/EO/905 (371 Formalities Notice)